

THE MARTHA'S VINEYARD COMMISSION

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Martha's Vineyard Commission Minutes for the Special Meeting of December 2, 1999

The Martha's Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, December 2, 1999 at 7:30 p.m. in the second floor conference room at the Commission Offices in the Olde Stone Building, New York Avenue, Oak Bluffs, Mass.

At 7:40 p.m., a quorum being present, Michael Donaroma, the Selectmen's Appointee from Edgartown and the Hearing Officer for that evening, called the Special Meeting to order.

Public Hearing: Sears Building (DRI #506), Town of West Tisbury.

Mr. Donaroma began to read aloud the Notice of Public Hearing for the first Hearing of the evening. The full text of the Notice was as follows:

"The public is invited to a Hearing concerning the following Development of Regional Impact (DRI #506):

<i>Applicant:</i>	<i>Wampanoag Tribe of Gay Head (Aquinnah) 20 Black Brook Road Aquinnah, MA 02535</i>
<i>Location:</i>	<i>24 Cournoyer Road West Tisbury, Massachusetts Assessor's Map 16, Lot 257</i>
<i>Proposal:</i>	<i>To construct a building to be used for retailing, having a total floor area of approximately 7,000 square feet.</i>
<i>Date and Time:</i>	<i>Thursday, December 2, 1999 at 7:30 p.m.</i>

Place: *Martha's Vineyard Commission
Second Floor Conference Room
Olde Stone Building
New York Avenue
Oak Bluffs, Massachusetts*

The Application and Plan are available for public inspection at the Commission Offices. Written testimony may be submitted prior to or during the Hearing.

This Hearing is held in accordance with Section 14 of Chapter 831 of the Acts of the Commonwealth of 1977, as Amended, and Chapter 30A, Section 2, of the General Laws of the Commonwealth as modified by said Chapter 831."

Halfway through reading the Notice, Mr. Donaroma was interrupted by Tristan Israel, the Selectmen's Appointee from Tisbury, who disclosed that his son was a member of the Wampanoag Tribe. He offered to abstain from participation in the Public Hearing if "anyone has a problem with that." Michael Colaneri, a Commission member at large from West Tisbury, suggested that Mr. Israel get a written approval to participate. Mr. Israel responded that Charles W. Clifford, the Executive Director of the Commission, had told him that he could take part, as long as he disclosed publicly his son's connection to the Applicant.

Then Jane A. Greene, the Selectmen's Appointee from Chilmark, announced that she would be abstaining from this Hearing, as well as from the second Hearing that evening, Vineyard Service Center III (DRI #489-1). Linda Sibley, a Commission member at large from West Tisbury, said that she would also be abstaining from both Hearings. *[Ms. Greene then left the Special Meeting and did not return. Ms. Sibley left the meeting room for the two Hearings, but returned to the room after the close of the second Public Hearing. Commission members attending the Sears Building Public Hearing were: J. Best; C. Brown; M. Cini; M. Colaneri; M. Donaroma; J. Early; A. Harney Gallagher; T. Israel; M. Ottens-Sargent; R. Toole; J. Vercruysse; and R. Zeltzer.]*

Following this interruption Mr. Donaroma did not finish reading the Notice, but instead outlined the procedure for the Public Hearing: Applicant presentation; questions from the Commission; Staff Report; comments from Town Boards; comments from the public in favor or in opposition to the proposal; comments in general from the public; and the final word from the Applicant.

Applicant Presentation.

Presenting for the Applicant was **James Fuller, Director of Economic Development for the Wampanoag Tribe of Gay Head (Aquinnah)**. He explained that the building,

which was located in a commercial area, had been referred to the Commission because of its size, which was in excess of 2,000 square feet. This would be a hard goods store, he said, selling refrigerators and the like at "very advantageous retail prices."

The building had been designed, Mr. Fuller continued, to blend with the buildings in proximity to it, and although it would be a large building, it was, in fact, 3.5 feet lower than the buildings in the immediate area. The Applicant had taken great pains to address issues of foliage, traffic and lighting design, Mr. Fuller said. "I think it has great promise for competitiveness on the Vineyard," he added.

Questions from Commission Members of the Applicant.

Mr. Donaroma asked Mr. Fuller if he had submitted a list of the types of goods that would be sold in the store. Yes, he had, replied Mr. Fuller. Mr. Donaroma asked if the plans that were mounted on the wall were the only plans submitted by the Applicant. David Wessling, the Commission Staff member who facilitates the DRI process, answered that on display were the floor plan and the elevations of the building. *[The Secretary took this to mean that these were the only plans. All plans and elevations referred to in these Minutes can be found in DRI File #506.]* Mr. Fuller remarked that the building was much like the SBS building in Tisbury, a farmer's porch-type building, but about 10 feet longer and 8 feet wider.

Mr. Donaroma wanted to know if a plan was available which showed the flow of traffic and the parking layout. Mr. Fuller pointed to a plan already mounted. The only paved area would be directly in front of the building, he noted; the rest of the parking area would be pea stone gravel. They had planned for 29 parking spaces because that was the number required by Town bylaw. However, the traffic analysis done by the Applicant and Commission Staff suggested that this would be too many spaces.

Mr. Donaroma asked about the hours of operation. "Basically, it's sort of a 10-to-6 [operation], and it's open six days a week," replied Mr. Fuller. "Obviously, on holidays they'd be open 10 to 8, some such, just like everyone else." How many employees, both on-Island and off-Island? wondered Mr. Donaroma. There would be no off-Island employees, responded Mr. Fuller. There would be two full-time on-Island employees and two part-time on-Island employees.

John G. Early, the Selectmen's Appointee from West Tisbury, asked Mr. Fuller to describe the outdoor lighting. The only actual exterior lighting, replied Mr. Fuller, would be five cone lights underneath the farmer's porch and some very low-intensity lights along the driveway. Mr. Early asked about the frequency of deliveries to the site. A trailer truck would come once a week on the first ferry; it would unload and leave that very day, said Mr. Fuller. There would be no on-site storage of trailers, he added.

Mr. Early inquired about the Applicant's landscaping plans. Mr. Fuller replied that he had submitted a landscaping plan, in color, to the Commission Staff. *[Mr. Wessling tacked a landscaping plan to the front wall of the meeting room at this point; it was not, however, the one in full color to which Mr. Fuller had just referred.]* Mr. Fuller pointed to the darker section on the landscaping plan, which he described as the portion of the site that abutted the residential Island Farm neighbors. Natural shrubbery and oak trees covered that area, the latter having attained a height of 16 to 18 feet. "If you examine the building with respect to those trees," observed Mr. Fuller, "the [residential] neighbors shouldn't see the building at all."

Would there be any machinery associated with HVAC placed outside the building? asked Mr. Early. Nothing outside the building, replied Mr. Fuller. With a huge basement, everything could be stored out of sight. Would there be a Dumpster? wondered Mr. Early. Normally, said Mr. Fuller, a Dumpster would be in the area where the trailer truck would back in. However, the store was not expected to produce that much excess material, "so it'll be a smaller Dumpster," he added.

Mr. Colaneri asked if the Commission members could hear the Staff Report. First, though, Mr. Israel had a question. He wondered if the Applicant had worked with Staff in considering building affordable housing associated with the project. Mr. Fuller responded that this would not work from a business point of view. Moreover, they would not be able to maintain the low roof line if housing were added. Besides, the Wampanoag Tribe was one of the largest providers of low-income housing on the Island.

Robert Zeltzer, a Commission member at large from Chilmark, asked if the Applicant planned to display any merchandise outside the building. No, absolutely not, replied Mr. Fuller.

Christina Brown, a Commission member at large from Edgartown, asked Mr. Fuller to "walk" the Commission members through the interior and describe the types of merchandise the Applicant planned to sell. Mr. Fuller described what a hard goods store was, then walked through the interior plans. Among the items to be sold, he said, would be: kitchen ranges; laundry appliances; dishwashers; refrigerators; freezers; a gallery of seasonal lawnmowers and snow blowers; a selection of televisions and stereos; and power tools.

Marcia Cini, a Commission member at large from Tisbury, wanted to know exactly how the Sears corporation would be involved. Historically speaking, replied Mr. Fuller, this would be a replacement for the Sears catalogue-style store formerly in Vineyard Haven. The corporation was using a new format, under which the store would be independently owned. It was not a franchise, though, in the true sense, that is, there would be no documentation as a franchise. "It is an agreement that we will sell their spectrum of

products -- buying from them, obviously -- and they will provide the warranties and the service," explained Mr. Fuller.

Ms. Cini asked if Sears would have any control over the operation or the configuration of the store. Not with regard to exterior appearance, said Mr. Fuller; Sears had been very cooperative about that. On the other hand, the interior of the building and its layout had to comply with specifications as to the color of the carpet, that sort of thing, he added.

Mr. Colaneri wondered if the Applicant could sell products from other distributors. No, replied Mr. Fuller, which was not to say that there would be only Kenmore appliances; they would carry Maytag and the whole spectrum of appliances sold by Sears.

Mr. Israel wondered if repairs to the appliances would be done on site. Mr. Fuller replied that Sears was in the process of hiring someone full-time on the Island who would be responsible for installation and repairs. Repair were typically done *in situ*. Would any automotive maintenance or repairs be done on the site? asked Mr. Israel. Absolutely not, replied Mr. Fuller. "But I would caution you, there is a selection of batteries which are required for some of the snow blowers, that kind of thing," he added. "But as to tires, that stuff? No."

Would they also be selling items like computers and telephones? asked Megan Ottens-Sargent, the Selectmen's Appointee from Aquinnah. "In today's collection of materials," responded Mr. Fuller, "there are not computers. I don't know that necessarily in the future that might not change. But currently there aren't. There are telephone answering machines."

Staff Report.

Mr. Wessling delivered the Staff Report, referring to a document he had submitted to the DRI File entitled "Staff Notes: Commercial Building (DRI #506), Wampanoag Tribe of Gay Head (Aquinnah)." Mr. Wessling went over the locus plan on the first page and described the site in some detail. The proposed building would be about 7,000 square feet, of which 5,274 square feet would be a sales area. Access would be from the end of Cournoyer Road, which connects to State Road. He then went over how the traffic on the site would flow.

Mr. Wessling continued his report, pointing out the loading bay, the 26 parking spaces, the paved area on the north portion of the site, and the porous surface on the rest of the parking area. Another key point was that the site was located in a Greenlands Water Resource Protection District, which carried with it special regulations. Staff member William Wilcox had written a memorandum, included in the Staff Notes, about the requirements of the District. In his memorandum Mr. Wilcox had suggested some

changes to the plan to handle better any runoff and to ward off potential contamination of the groundwater.

The Commission's Transportation Planner, Andrew Grant, had submitted a memorandum as well, this one a statement on traffic impact and access, also included in the Staff Notes. The firm of Sourati Engineering had conducted a traffic count at the site, which study had concluded that Cournoyer Road and State Road had sufficient capacity to handle the additional traffic that would be generated by the proposed building. Mr. Grant had also studied the intersection and had concluded that there would be about a 5-second delay at the intersection of the roads. In summary, he wrote, "The traffic impact of this development alone will not be large enough to cause significant increases in vehicle delays at adjacent intersections."

Mr. Wessling went over the elevations of the building and a drawing that showed its proportions when compared to the surrounding structures in the area. *[Both drawings are contained in DRI File #506, Administrative folder.]* He reiterated that it was a "substantial" building.

Questions from Commission Members.

Were there any special permits or variances required for this building? asked Mr. Colaneri. Yes, replied Mr. Wessling, the Applicant would have to apply to the Zoning Board of Appeals because of the size of the building. Moreover, a special permit was required from the Planning Board because the number of parking spaces would be more than 10 and because of the size of the area to be paved. Also, the Applicant had to adhere to the regulations contained in the Groundwater Protection District bylaw.

Mr. Best wondered how close the building was to the height limit for the Town. Mr. Wessling said that he did not know the answer to that. Mr. Best was curious to know if there was any more leeway on the height of the building.

Mr. Toole wanted to know how many parking spaces the building actually needed. Mr. Wessling said he would have to defer to Mr. Grant on that. (Mr. Grant could not be found.) Mr. Wessling noted that the requirements were greater than were really required for this particular building, certainly greater than what the Commission generally preferred.

Jim Vercruysse, a Commission member at large from Aquinnah, asked about signage on the site. Mr. Fuller replied that the signage would be in conformance with West Tisbury requirements, a 2-foot-by-3-foot free-standing sign at the road, as well as one at the entry of the building.

Mr. Wessling then noted that there had been no correspondence from Town Boards or neighbors of the sites. However, Mr. Fuller had told the Land Use Planning Committee (LUPC) that he had been in discussion with neighbors about the project.

Mr. Colaneri wanted to clarify the hours of operation. Ten until six, replied Mr. Fuller, but until eight on holidays. And would employees be in the building after six? asked Mr. Colaneri. Typically just to tidy up, responded Mr. Fuller, who added that there was no fenestration on the back of the building, so no light would be cast in the direction of the neighbors in the back.

Mr. Colaneri asked if the landscape architect was present. No, he isn't, replied Mr. Fuller. Mr. Colaneri remarked that for a project of this size, it would be advisable to have a more detailed landscape plan as well as the landscape architect at the Hearing to answer questions. You can request that, noted Mr. Early. "We can continue [the Hearing] until that's submitted," he added.

Mr. Best asked if any of the Staff members had been out to the site. Yes, replied Mr. Wessling. "What's the status of the walking path that shows in the plan?" wondered Mr. Best. Mr. Wessling said he understood from Staff member William Veno that the path had no historic status that he knew of. Mr. Best noted that the path cut through two lots in the Island Farms residential development. **Stan Schonbrun, an Island Farms resident**, explained that the children from the Charter School and from Island Farms itself used the path. The path was wide enough to be used by bicycles and dirt bikes, he added.

Ms. Cini asked if there were any archaeological resources on the site. Mr. Fuller answered that the Public Archaeology Laboratory (PAL) had been to the site and had concluded that it contained nothing archaeologically significant.

Mr. Donaroma invited members of Town Boards to give testimony; none came forward. Mr. Early said that a letter would be submitted by a Town Board. *[The name of the board was unintelligible on the tape.]* Mr. Donaroma then asked for testimony from members of the public in favor of the proposal; there were none.

Next, Mr. Donaroma asked for testimony from members of the public in opposition to the project or in general.

Testimony from Members of the Public in Opposition to the Proposal.

Stan Schonbrun, who identified himself as the primary abutter (Lot 30) to the proposal site, disagreed with Mr. Fuller that the greenery left standing would hide the building from Island Farms residents. Right now, in fact, the neighbors could see right through to Dr. Monto's building, which would be behind the proposed Sears building; this was so even in the summer. Moreover, there was "quite a bit" of vegetation currently

standing where the building would go. In addition, contrary to what Mr. Fuller had testified, there were only one or two 16-to-18-foot trees; most of the vegetation was 3 to 6 feet high, if that.

Mr. Schonbrun continued that the footprint of the building was 7,000 square feet, in addition to a 7,000-square-foot basement. "That sounds to me like 14,000 square feet of space in a place where ... it would be legal for them to put up a 3,000-square-foot building with no variance," observed Mr. Schonbrun. "That's a huge difference." Currently in that area were a hair dresser, three doctors' offices and a surveyor's office, "certainly nothing remotely resembling a retail operation," he noted. Mr. Fuller had also said that the building would resemble the SBS building. But that structure, remarked Mr. Schonbrun, was clearly in a commercial area.

Mr. Schonbrun then observed that saying that one trailer truck would be coming in once a week was clearly obscuring what would actually be going on. "Because that's bringing the stuff in," he said, "but if they expect to do any business, there[re] going to be trucks going out of there all day, every day." Finally, Mr. Schonbrun concluded, Island Farms was clearly a residential area, and the parking lot would back up right against the development. This, he thought, raised a number of security issues for the neighbors.

Paul Carter, who identified himself as someone who worked for MidCape Home Center, remarked that as a competitor, his business and those of other Island retailers would be affected by a 7,000-square-foot retail space where items that were already available on the Vineyard would be sold. He feared that when the economy slowed down, the "little guy" would be hurt. Mr. Carter also pointed out that in his store, which measured 3,200 square feet, management needed to have six employees. So Mr. Fuller's projected employee figures were unrealistic. Moreover, Mr. Fuller's testimony that one trailer truck would come each week was not reasonable. "We have a trailer truck every day," Mr. Carter said, "sometimes two in the summer, sometimes three. ... The projection and the reality are two different things."

Juleann Van Belle, a West Tisbury resident, wished to raise her concern about the size of the building as well as the items to be sold. She agreed with Mr. Carter that it was questionable how much of this type of business the Island could sustain. Ms. Van Belle thought the traffic impact would be "tremendous" and that there was no way of knowing if that portion of State Road could handle the additional traffic. She hoped that the Public Hearing would be continued, especially since there were many other meetings taking place that evening and other concerned citizens might not have been able to attend this one.

Mr. Donaroma asked for testimony from members of the public in general; there was none. He then asked for questions in general. **Julia Wells, Senior Reporter for the Vineyard Gazette**, wondered if the Staff analysis had included an examination of the impact on the number of trucks that would be carried by the Steamship Authority ferries.

Mr. Wessling responded that Staff had relied on the Applicant's estimate of one truck per week, which would have a negligible effect.

Summary by the Applicant.

Mr. Fuller remarked that it was unfortunate that the plan mounted in the front of the room was not clearer about the landscaping. It in fact indicated that quite a lot of plantings, including 40 trees, would be done on the site. (He noted that he had provided a number of copies to the Staff "that seem to have disappeared.") Mr. Fuller emphasized that this was a commercial area, and "we've done our best to reduce the scale of the building by making it low. ... But in order to provide the product at a cost-effective price, we do need to build that big basement, which is underground and typically not counted by law in the scale of the building."

Mr. Fuller agreed that there was potentially a problem with the pathway, which was a "mutual problem" that the Applicant needed to address with the neighbors. He pointed out that, in fact, there were two pathways, a so-called ancient way (which was not, in fact, an ancient way), in the upper left-hand corner, dead-ending in Vineyard Gardens; and another path in the lower right-hand corner, which was the one being referred to.

Finally, Mr. Fuller said, he could not address the notion of competitiveness. "We live in a competitive society," he observed, and many Island people had to drive to Hyannis to buy their appliances. Moreover, the Applicant had carefully measured the traffic count. This would be a destination store, not a browsing store, "so the traffic should not be overpowering." He added that there would be one truck every morning, smaller than the weekly truck, that would load up for home delivery whatever had been purchased the day before.

Mr. Best asked if there would be any fencing. Mr. Fuller explained that the Applicant had made an offer of fencing or any other break that the neighbors wished. But in general, fencing was not thought to be "visually advantageous." Mr. Best also wondered about the large amount of cardboard that would be generated by the store. Would they have a cardboard compactor? he asked. Mr. Fuller said they would keep the cardboard in the basement during the week and then would ship it out with the weekly trailer when it left.

Mr. Toole asked if someone could read the list of what would be sold in the store. Mr. Israel read the list off one of the mounted plans.

Mr. Colaneri was of the opinion that this would not, in fact, be only a destination store and that people would tend to browse. He added that there should be a site visit and that the Hearing should be continued. Mr. Early encouraged the Applicant to work with Staff to generate a "much more informative landscape plan with a better scale."

With regard to the issue of viability, Mr. Zeltzer wanted to know who would own the product from the time it was loaded on the weekly truck until the time it was sold to the customer. "That's actually a business question," remarked Mr. Fuller. "It's an inappropriate question." Mr. Zeltzer said he was curious as to whether the store would be competing as a local businessman or whether "we're asking the local businessman to compete with Sears Roebuck." Mr. Donaroma noted that the Applicant did not have to answer the question.

Mr. Best said he was concerned about the massing of the building. Would it be possible to step the roof back to break up the massing of the roof? he wondered.

Mr. Donaroma announced that the Hearing would be continued to mid-January and that a site review would be scheduled. The time was 8:25 p.m. Mr. Donaroma called for a short break.

Public Hearing: Vineyard Service Center, Application III (DRI #489-1).

[Ms. Sibley and Ms. Greene also abstained from the Vineyard Service Center III Public Hearing. Commission members attending the Vineyard Service Center III Public Hearing were: J. Best; C. Brown; M. Cini; M. Colaneri; M. Donaroma; J. Early; A. Harney Gallagher; T. Israel; M. Ottens-Sargent; R. Toole; J. Verduyck; and R. Zeltzer.]

Mr. Donaroma read into the record the Notice of Public Hearing:

"The public is invited to a Hearing concerning the following Development of Regional Impact (DRI #489-1):

<i>Applicant:</i>	<i>Steven Wehner #10 Northline Road Edgartown, Massachusetts 02539</i>
<i>Location:</i>	<i>412 State Road Vineyard Haven, Massachusetts Assessor's Parcel 22-A-9</i>
<i>Proposal:</i>	<i>To convert the former Coca-Cola distribution center to a gasoline/diesel fueling center and auto repair/service center with accessory offices, retail sales and storage.</i>
<i>Date and Time:</i>	<i>Thursday, December 2, 1999, at 7:35 p.m.</i>

Place: *Martha's Vineyard Commission
Olde Stone Building
New York Avenue
Oak Bluffs, Massachusetts*

The Application and Plan are available for public inspection at the Commission Offices. Written testimony may be submitted prior to or during the Hearing.

This Hearing is held in accordance with Section 14 of Chapter 831 of the Acts of the Commonwealth of 1977, as Amended, and Chapter 30A, Section 2, of the General Laws of the Commonwealth as modified by said Chapter 831. "

Mr. Donaroma outlined the format for the Public Hearing. *[See page 2 of these Minutes for that format.]*

Applicant Presentation.

Attorney Martin "Skip" Tomassian spoke on behalf of the Vineyard Service Center III Applicant, which was a limited liability corporation (LLC). He introduced the partners of the business: Steven Wehner, president; Tom Gervais; Bill White; Sean Connelly; Robert Goldsboro and Anthony Moore. (The latter two partners were not present.)

Mr. Tomassian also listed the experts the Applicant had engaged: Bill Scully, principal of MS Transportation Systems; Peter MacLean, architect, of Sam Sherman and Associates; George Sourati, principal of Sourati Engineering, who had done the septic design and the drainage plan; David LaRue, who did the landscape design; and Tyree Engineering, who had done the engineering work with regard to the gas pumps. (No one from Tyree Engineering was present that evening.)

Mr. Tomassian then passed out a package of materials which included: the Assessor's map of all the businesses in the area; a copy of the quitclaim deed; a more detailed map of the area with measurements noted; a letter from Tisbury Water Works, which stated that the property did not fall within Zone II; a letter from the Tisbury Board of Health regarding Disposal Works Construction Permit #2617, plus a copy of that permit; and a letter from the Tisbury Planning Board to which was attached the written opinion of that board on the parking plan. *[See the Meeting File of December 2, 1999 for a copy of this package.]*

Mr. Tomassian then sought to demonstrate that the probable benefits of this proposal outweighed the probable detriments. To start with, if approved, this would be the third inspection station on the Island, something the Island was clearly in need of. Moreover, its location would be more convenient for Up-Island residents. (The others were in Oak Bluffs and Edgartown.) Another benefit was that the proposal would clean up the untidy appearance of the site.

Would it interfere with the achievement and objectives of any plan of the Town? asked Mr. Tomassian rhetorically. He then stated that to his knowledge there was no current B-2 Zoning Master Plan for the Town of Tisbury and there was none proposed for that area. The Planning Board had already reviewed the proposal, and a copy of their letter was contained in the package that Mr. Tomassian had just distributed. Essentially, the Planning Board liked their plan, with one "discrepancy": When the plan was originally filed with that board, there were 28 parking spaces; they were now down to 26.

Will this proposal be consistent with local development bylaws and ordinances? asked Mr. Tomassian. "We believe it will," he said. It was not a prohibited use, although it was a specially permitted one. The proposal would be going to the Zoning Board of Appeals, that is, if it was approved by the Commission, he continued. In addition, the Chief of Police had studied the plan, and he had given it "his *Good Housekeeping* Seal of Appeal." One of the Chief's concerns had been the sight line for the customers leaving the service station onto High Point Lane; he wanted the shrubbery to be low enough so that the sight line would be clear. Mr. Tomassian added that this issue had been addressed by Mr. Scully and Mr. LaRue.

Would this be more beneficial rather than detrimental when compared with alternatives? continued Mr. Tomassian. He pointed out that the Applicant was not building a new building, but was renovating ones that already existed on the site. Moreover, this type of business was not a traffic generator, that is, it was not a destination business, except, say, in the case of a hurricane. Naturally, that was not true for the service business that the Applicant hoped to offer. But, generally speaking, the gas station was not a traffic generator to the degree that alternative uses like retail businesses would be.

Would the proposed development favorably or adversely affect other persons or property? Mr. Tomassian asked. He said that the landscaping plan would certainly help the appearance of the site. In addition, the site was in the middle of a business district, with a sand pit and a landfill nearby. The Applicant would place plantings on both sides of the property as well as in the back. They would also screen from the street other "unsightly things" that were not on his client's property.

Mr. Tomassian continued that this would be the most advanced facility of its type around, the only one, for instance, that would have a rubber bladder around double-hulled fiberglass tanks, in addition to sophisticated monitoring systems. Also, there would be a special drainage system under the paved area of the parking lot. Moreover, with a bus stop right in front, it was a convenient place to drop off one's car. The new gas station might also alleviate the traffic at Five Corners, where there were two gas stations. And it would be one of the few facilities, if not the only one, at that end of Town with a public bathroom.

Would the proposal be favorable or would it adversely affect the supply of needed low- or moderate-income housing? asked Mr. Tomassian. He noted that the Applicant had volunteered to make a \$4,500 (approximately) contribution for affordable housing, which was what "the formula" demanded. He also believed that the 10 to 15 people that the station would employ a weekly basis would provide extra employment for year-round residents. The repair facility would employ four people a day during the regular working hours of 8 a.m. to 5 p.m.; the gas station, which would be open seven days week, from 6 a.m. until 12 midnight, would employ from six to seven people.

Would this proposed development use efficiently or burden unduly existing public services or facilities? asked Mr. Tomassian, who did not think so. The landfill was being filled in at the moment, although it might become a transfer station. The only other public facility in the area was State Road. That was why the Applicant had hired a traffic engineer.

Would the project harm the water supply? asked Mr. Tomassian. He thought not. The Tisbury Water Works had already agreed that the site was not in Zone I or Zone II, and was far enough away from Zone III that "it's not to be a bother. As a matter of fact, I think they said they consider it a non-issue," he said.

Mr. Israel wished to emphasize the point that the Tisbury Planning Board had issued an advisory report, not a permit. He was under the impression that the Applicant would have to return to that board with their traffic study. That was not so, said Mr. Tomassian. **Steven Wehner, the president of the partnership**, explained that he had appeared before the Planning Board in the spring and that they have given him an approval. After he had re-applied, he received another approval. Was that a permit the Applicant had received or just the board's "blessings"? asked Mr. Donaroma. Mr. Wehner reiterated that he did not have to return to the board.

Next to speak was **Peter MacLean, an architect with Sam Sherman and Associates**, who presented an overview of the project design. He displayed a sketch which showed that the facility would incorporate two buildings already on the site. The Applicant would be re-shingling and residing them, as well as installing new windows. The only significant change in the structures would be the canopy that would shelter the gas pumps. Naturally, there would be changes to the landscaping, which would be addressed by Mr. LaRue. Mr. MacLean continued that basically the site would be a "spruced-up area from what it is now." Then he displayed a photograph taken from across the street.

Mr. MacLean described the smaller of the two buildings, the wood-frame building in front, which would be gutted inside with new partitions, new offices, new reception area, employees' lounge, locker room, laundry facility and handicapped-accessible bathroom. Upstairs would be an unfinished storage space. The building was approximately 1,845 square feet. On the exterior, all the windows would be replaced, and the rotted corner posts and corner boards would be replaced as well as the floor joists supporting the loft.

Mr. Colaneri asked what the ceiling height was in the loft. At that level it would be about 5 feet, replied Mr. MacLean. So the building would not be any higher? asked Mr. Colaneri. "That is correct," said Mr. MacLean. Mr. Colaneri then requested an artist's rendition of the completed renovated building. Mr. MacLean showed the Commission members some elevations, remarking that he did not have any "pretty pictures," as Mr. Colaneri had described them. Mr. MacLean elaborated on the exterior of the smaller building in some detail, noting that the only significant visual change would be a picture window in the corner office so that the manager would have a good view of the pumps.

Mr. MacLean then described the larger, concrete building, which would be re-sheathed and covered with white cedar shingles. New windows would be installed, and plantings would be placed in the front and the sides of the building. He then showed the floor layout of the larger building, detailing each of the interior spaces. Although the ceiling would be higher than it was currently, the ridge along the outside would not move.

In addition, continued Mr. MacLean, the roof would be re-shingled, and the Applicant would add an oil storage room. Oil in what form? asked Mr. Best. Waste oil, replied Mr. Wehner. The building was designed so that the vehicle which would claim the waste oil could drive right up and not have to stretch a hose across the site. How would the oil be stored? asked Mr. Best. In a double-hulled container surrounded by concrete, replied Mr. Wehner.

Mr. MacLean then displayed an illustration of the canopy over the gas pumps as well as a site plan showing its location. In response to his meeting with the Land Use Planning Committee, he had come up with a "more Vineyard-like design," which looked something like a railroad waiting station. The roof shingles for the canopy (as well as for the existing buildings) would be dark asphalt gray or charcoal gray. The roof itself would measure about 44 feet long by 24 feet wide, and the underside of the canopy would be 14 feet high, which would accommodate just about every type of truck. Also, there would be recessed lighting in the soffits under the canopy.

Would they be selling diesel fuel from one pump and regular gas from the other? asked Mr. Best. No, replied Mr. Tomassian, you would be able to pump both types from the same pump. It would depend upon which button was pushed at the pump. There would be two pumps, but four fueling positions. Would both types run through the same hose? asked Mr. Best. Yes, said Mr. Tomassian. Mr. MacLean then described the steel bollards around the pumps that were required by law. So trucks and cars would be using the same pump island? asked Mr. Donaroma. Right, replied Mr. MacLean.

David LaRue, a landscape architect with Vineyard Gardens, pointed to the details of a drawing of the site which showed the landscaping in some detail. As mentioned earlier, the plantings would be kept low near High Point Lane so as not to impede visibility.

Some grading would be done on the site, which would be described later by the engineer. A small park was planned in front, with a grassy area, three parking spaces, two picnic tables, trash containers and a walk-through section. Some black pines and white pines would be planted to screen the canopy from the road and to cut down on the light coming from the downward-directed lighting of the canopy.

Mr. Early asked if the grass strip below the pump island was as close to the curb as it appeared to be. Yes, said Mr. LaRue, it really would come right up to the curb line. Mr. Israel asked about the species of the large tree near where one would exit onto High Point Lane. Mr. LaRue appeared to misunderstand him, stating that all the large trees on the plan in that area already existed. Did the canopy of the trees reach over the road? asked Mr. Israel. Yes, replied Mr. LaRue.

Having once worked on that property, and therefore "know[ing] it intimately," Mr. Israel had noticed that water would settle in the back corner of the lot. To answer Mr. Israel's question, **George Sourati of Sourati Engineering** mounted a drawing of the drainage plan. Mr. Sourati explained that the drainage would go into two self-contained leaching pits. All the surrounding areas would be higher than the pits, and there would be no runoff onto State Road or High Point Lane. "There's literally at times a swamp in that corner," observed Mr. Israel. "He's stated he's going to change all that," responded Mr. Donaroma.

Would there be separators in the leaching facilities? asked Mr. Early. Yes, replied Mr. Tomassian. Actually, said Mr. Sourati, there weren't oil separators in the leaching pits. Mr. Donaroma asked about the drainage area around the pump. Mr. Sourati explained that there would be a concrete apron all around the gas island and there would be grooves around the perimeter, which would contain the gasoline. Mr. Tomassian quoted from the Staff Notes about the drainage system. *[Refer to page 5 of the aforementioned Staff Notes.]*

Mr. Colaneri pointed out that because the response to the Staff recommendations was not shown in the plan on display, the Commission would need a revised plan. Also, would there be drains within the building? asked Mr. Colaneri. Mr. Sourati responded that the floor would be sealed with a special sealant used for gas stations and there would be commercial oil diapers under the cars that were being worked on. Mr. Colaneri wanted it clarified whether or not the floors were designed not to allow any flow from inside the shop to the rest of the site. Mr. Wehner answered that he would be addressing that in his presentation on the shop.

Addressing an issue raised earlier, Mr. Sourati said that he had never seen oil separators in a parking area; this was typically the way it was done. *[After Mr. Early spoke next, Mr. Best made the point that the Steamship Authority had oil separators in all its drains. "It isn't something that's unique," he observed.]*

Mr. Early wondered if all the water on the site would be handled on the site. Right, replied Mr. Sourati. Mr. Tomassian noted that the site could handle 2 inches of water an hour.

Mr. Donaroma asked if the Applicant proposed to plant any new shade trees on the right side of the property. No, no proposed new shade trees, replied Mr. LaRue. And there would no trees planted along the back of the larger building? No, said Mr. LaRue.

Mr. Wehner then described the three 10,000-gallon underground storage tanks and the one 8,000-gallon tank for diesel fuel. These would be double-hulled fiberglass and carbon fiber and would be surrounded by a "Petro-Gard Six" liner. This would be only the second service station in Massachusetts to utilize this new technology, which had withstood the San Francisco earthquake in 1989.

In addition, three very sensitive monitoring systems would be in place, which Mr. Wehner described in some detail. If activated, the Tisbury Fire Chief and Mr. Wehner would be alerted immediately. In addition, the vapor recovery system was "pretty standard," noted Mr. Wehner. The nozzles used would be "state-of-the-art" and would adhere to EPA and DEP regulations. Mr. Wehner then went into detail about the vapor recovery system in place for occasions when a tanker would be delivering gas.

Responding to an earlier question, Mr. Wehner said that both diesel fuel and gasoline would be coming out of the same hose. This was a system used by other gas stations on the Island, he added.

Mr. Colaneri asked about fuel capacity. Mr. Wehner replied that the Applicant was asking for three 10,000-gallon tanks for high-test and regular gasoline, which would be mixed for the different grades there; and an 8,000-gallon tank for diesel fuel. This amount of storage would allow them to cut down on the frequency of deliveries, which the Applicant expected would be about two per week, possibly three, and which would occur at 6 a.m.

Mr. Vercruysse asked about the handling of cars waiting to be worked on. There was a tendency on the Island, he said, for unattractive cars to "pile up" at this sort of site. Also, how would the interior of the shop be cleaned? And what was the so-called long-term parking in the back? Mr. Wehner explained that when a transmission had to be rebuilt, it would be removed and sent over to Hyannis for the work. The whole turnover for that would be about 10 days, and the long-term parking was intended for those cars.

Mr. Donaroma wanted to know what the maximum number of cars on the site would be at any one time. Mr. Wehner replied that at the maximum there would be four cars in the long-term parking area and a total of about 15 cars on the entire site at any one time. Mr. Donaroma was concerned that soon enough there would be 30 cars on the site, and he

suggested that Mr. Wehner find some off-site parking. He repeated his question about the maximum number of cars at any one time. "I would think 20," responded Mr. Wehner.

Where did the Applicant intend to have the employees park? asked Mr. Colaneri. On site, replied Mr. Wehner. Mr. Tomassian pointed out that only a maximum of seven employees would be working at any one time. But there are going to be all these cars coming and going, plus the long-term cars, plus the short-term cars, said Mr. Colaneri. Didn't that come to more than the 26 spaces planned? Mr. Tomassian noted that they would accept the recommendation of the Staff that employees be encouraged to use outside parking, for instance, the Park and Ride lot. Mr. Zeltzer pointed out that the plan showed only three employee parking spaces. *[Mr. Scully, the traffic expert, later pointed out that there were, in fact, six parking spaces designated for employees. See page 19 of these Meeting Minutes.]*

Mr. Wehner added that he also had 4,000 square feet in the shop building and could "squeeze" a few more cars inside. He said he would focus on the "high line" automobiles, which he would prefer to keep inside in any event. Mr. Colaneri emphasized that the Commission members wanted a firm parking plan that they could be reassured was adequate before they made their Decision. Mr. Wehner reminded him that the parking plan had been reviewed by the Planning Board. "That's the firm parking plan," he said.

How many actual working bays? asked Mr. Best. There would be six in all, said Mr. Wehner: three repair bays as well as one for front end alignment, one for inspections and another for oil lubes. Mr. Best was concerned that all the repair customers would show up at the same time, at 8 o'clock in the morning. Also, even though the inspection customers would have appointments, those cars could back up as well.

Answering a question from Mr. Israel, Mr. Wehner stated that there would be no tow truck on site. Then how would he move the cars that needed transmissions rebuilt? asked Mr. Israel. Only the transmission was sent over to Hyannis, replied Mr. Wehner. And the emphasis would be on the repair service? asked Mr. Donaroma. That's correct, said Mr. Wehner. He then described the repair facilities in some detail and the problem of the lack of capitalization on the Island for a shop of this caliber. The sophisticated diagnostics system, to cite an example, would even allow him to hook up to a facility aboard. The time was 9:36 p.m.

Mr. Israel wanted to know about the system for handling the inspections and how many Mr. Wehner expected to do each day. Mr. Tomassian replied that the inspections would be done by appointment. "Appointments can mean anything," said Mr. Israel, who described how the cars waiting for inspections in Oak Bluffs backed up out onto the road. Mr. Wehner explained that there would be parking spaces specifically allocated for inspections.

In response to an earlier question by Mr. Vercruysse, Mr. Wehner explained that spillage on the floor of the shop would be handled by a product called "garage diaper," a piece of indoor/outdoor carpet-like substance, three square feet of which could hold one gallon of oil. He would also use a kitty litter-like product that could be sprinkled over the spill and then swept up and shipped off with other waste material. Finally, shop rags would be reused on the floor, and the floor would be swapped down with "Simple Green," a bio-degradable cleaning product.

Mr. Colaneri asked where the Dumpster would be placed. Mr. Wehner did not have an answer at that moment. He added that he had a truck where he kept that sort of waste and tended to run it to the landfill himself.

Mr. Vercruysse asked if the facility would be using Town water and sewer services. No, it would have its own septic system, replied Mr. Wehner. Mr. Vercruysse also wanted to know more about the laundry facility that Mr. MacLean had spoken of earlier. Mr. Wehner explained that the laundry facility would be used for washing employee uniforms and so forth.

Next to speak was **William Scully, transportation engineer with MS Transportation Systems**, who began by providing his extensive background in transportation planning. He added that he had conducted the 1990 State Road corridor study.

Mr. Scully had been retained to conduct a traffic study for the Applicant, as well as to work with the Applicant's team to develop a site access plan, an internal plan and any mitigation measures proposed as a result of the study. Based on his analysis of State Road and the access and internal plans, it was Mr. Scully's opinion that "the project could be accommodated safely within the corridor with a minimal impact on the corridor itself and the nearby intersection and driveways."

Mr. Scully then outlined the study, beginning with the traffic impact and access study, copies of which had been distributed to the Commission members. *[See DRI File #489-1 for a copy of this study.]* The scope of the study had been developed in cooperation with the Commission Staff. Mr. Scully then went step by step through the new one-way flow pattern proposed for the interior of the site.

Mr. Scully continued that there would be 26 parking spaces, not counting the waiting area for emissions inspection; all parking spaces had been designated. Mr. Donaroma asked how many cars could be stacked while waiting for gas at the pumps. Mr. Scully replied that about 11 to 15 vehicles could be accommodated before the line would reach the sidewalk. Compared to the Beach Road gas station sites, there was plenty of space for stacking, he added.

Mr. Scully then went over the signage and markings for the site, including "Do Not Enter" signs and arrows to direct drivers entering the site as well as once they were on the site. He spoke of plans to narrow what was now a two-way driveway; the Staff had suggested a width of 18 feet, although he preferred something a little bit wider. In addition, a crosswalk would be installed, and there would be highlighting on the site wherever pedestrian flow might be.

Six spaces would be designated for employee parking; the 10 to 15 employees at the facility would be spread out over the week, so six spaces should be adequate for most of the year. The Applicant intended to work with the Town so that in the peak season employees could park up at the Park and Ride lot down High Point Lane. Spaces were also designated for the oil and lube area and the major repair area, as well as for the long-term parking of the cars having their transmissions rebuilt. In front of the repair shop were three more spaces, one of them handicapped-designated. People waiting for inspections and emissions would be directed to a waiting area.

In conclusion, Mr. Scully said, with this design, traffic could enter and exit safely and not create any particular problem on or near the site of the facility.

Mr. Scully then spoke of the analysis of State Road; some of this information had been incorporated into the Staff Notes referred to earlier, he noted. The study had included nearby driveways, including those of the Black Dog catalogue store, Cronig's State Road Market and Shirley's Hardware, as well as Colonial Drive.

State Road, Mr. Scully continued, was about 28 feet wide and came under State jurisdiction. The study had been conducted during the summer before, on July 9 and 10 and again in August. There were two public transit routes in the summertime that served the area, he said: 1) from State Road to High Point Lane to the Park and Ride lot, with service connecting the Park and Ride lot to downtown Tisbury; and 2) a Vineyard Transit Authority route going to and from West Tisbury, with a stop right at the corner of the service facility.

Mr. Scully had measured a volume in the 15,000 to 19,000 range for the summertime; the data for the analysis had been measured at peak hour, when there were 1,200 to 1,500 vehicles per hour. The peaks were around 4 p.m. on Friday and at 12 noon on Saturday. State Road was a high-volume roadway, he remarked, which varied in terms of flow, not only by the hour, but even within the hour. Mr. Scully then described the different types of traffic flow on the corridor, giving examples of each.

From his actual observations of the traffic flow, Mr. Scully had concluded that there was a pattern of cooperation among drivers on the corridor so that the flow was, in fact, better than what the computer models had projected. For instance, the computer had projected a

25- to 30-second delay coming out of Colonial Drive; the actual measured delays were more like 40 to 50 percent less than that, mostly due to driver habit and pattern.

The team had studied the gas stations near Five Corners and had used some of their numbers for their projections for the new facility. Mr. Scully had also made projections for the traffic numbers for alternative uses of the site. *[See Mr. Scully's report in DRI File #489-1.]* In addition, projecting eight to 16 repairs a day and adding this to the fuel fill-up trips, the total amount of new traffic entering and exiting the site had been calculated: on Friday afternoon during the peak season, there would be 19 additional entering trips per hour and 22 additional exiting trips; on a Saturday, there would be 18 additional vehicles in and 19 out at peak hour. He reminded his listeners that for the most part, this would not be a destination site.

In general, Mr. Scully had measured about a 50-50 split between the cars coming from the north and south on State Road. So the increase would actually be 41 total new trips total at Friday peak hour, split about 50-50. This would be an increase of about 1.2 percent; on the Island the Commission had been using a figure of 2 percent growth in traffic per year, he noted.

Mr. Scully had done a study of comparative uses for the site. An 8,000-square-foot retail space, for instance, would result at peak hour on Friday afternoon in a total of 212 vehicle trips, as compared to 106 total trips with the proposal; Saturday mornings, the figure would be 231 total vehicle trips on that section of the corridor, compared to the 85 projected if the service facility were built. Moreover, the retail use would be more of a destination, so the impact would be considerably greater.

Mr. Scully then addressed the level of service analysis, which allowed him to compare the no-build versus build traffic scenarios. *[See Mr. Scully's report in DRI File #489-1 for the figures he came up with.]*

He had also tested the recommended mitigations, some of which were: to shut down the inspection station at 4 p.m. on Friday in the summertime as well as between 12 and 1 on Saturday; and to shut down the oil and lube service during the same peak times. This alone would bring the Friday peak hour down to a Level D. *[See page 21 of these Meeting Minutes for an explanation of the Level of Service grades.]* He also proposed: the restriction of fuel deliveries to off-peak hours; off-site parking for employees during the peak season; improving visibility of the bus stop and the Park and Ride location; possibly a bus shelter; a more high-visibility crosswalk across State Road in the vicinity of the transit stop; and an update of the 1990 State Road corridor study.

Mr. Israel wanted Mr. Scully to explain how he had developed the numbers based on what he had observed down on Beach Road. Mr. Scully replied that the actual rates had been developed by observing vehicles going in and out at the Beach Road gas stations as well

as the one at the Airport Business Park. So you didn't look at the traffic volume in those areas? asked Mr. Israel. "We knew generally the volume down in the Beach Road [area] from counts that we've done," said Mr. Scully. He offered to give Mr. Israel those numbers and added that it was comparable to the volume on the State Road corridor. He would have to check on the volumes at the Airport Mobil station, he added.

Mr. Israel wanted to know more about the traffic-level designations. Mr. Scully explained the levels of service. In "the old days" a grade of F had meant "forced flow"; now it meant "very, very long delays" or delays of more than 45 seconds. Level of Service A meant 0 to 5 seconds; Level B, 5 to 10 seconds; Level C, 10 to 20 seconds; Level D, 20 to 30 seconds; and Level E, 30 to 45 seconds. The time was 10:09 p.m.

In response to more questions from Mr. Israel about the study, Mr. Scully went into great detail about the exact formulation of the numbers and explained how the maneuvers were analyzed for the exit from High Point Lane, which at peak time had around a 30-second delay. He also described once more how the driveway exiting onto High Point Lane would be shifted and narrowed.

Mr. Vercruysse asked where the fuel truck would be unloading its fuel. Mr. Scully pointed to that location on the plan, just above the fuel tanks. Again addressing Mr. Israel, Mr. Scully said he had done a detailed simulation at the site of 140 to 160 vehicle trips in and out of the site at the Level C range, this on July 9 and 10, 1999.

Correspondence.

Mr. Wessling noted that the Commission had received six letters from members of the public, all in favor of the proposal. The Chief of Police had also submitted a letter, which was also favorable. *[See Mr. Wessling's Staff Notes in the Meeting File of December 2, 1999 for copies of those letters.]*

Mr. Donaroma asked for testimony from Town Boards; there was none.

Testimony from the Members of the Public in Favor of the Proposal.

June Parker of 59 Leonard Circle in Tisbury said that she "thoroughly" approved the proposal because she and her neighbors all tried "desperately" not to go down to Five Corners, if they could help it.

Ted Box of the West Chop area in Tisbury stated that he also would consider it "a blessing" if he did not have to go down to Five Corners to get gas. Moreover, as a lifelong environmentalist, he "loved the way they have designed this. I mean, I don't think we're going to get an earthquake. It seems they've really done their homework here, and it makes me feel safe." In addition, the Island needed more inspection stations. And finally,

Mr. Box noted, he had "a really good mechanic and I'm not going to tell you who he is." He had known some of the partners of the corporation for 20 years, he added, and he would "trust them with my children."

Testimony from Members of the Public in Opposition to the Proposal.

Jonathan Morse of Edgartown read from a statement he had written. *[He did not submit his statement to the Secretary for the Public Record, nor had he mailed it to the Commission at the time these Minutes were compiled.]* Mr. Morse thought that the site and the surrounding area were "environmentally inappropriate for U.S. diesel and petroleum storage or ... hazardous wastes generated there by cars." The site was located in an interim well head protection area, and for all practical purposes such an area was a Zone II. Moreover, said Mr. Morse, the zoning variance that the Applicant sought historically led to the degradation of groundwater resources.

Next to speak was **Thomas G. Seeman of Aquinnah, president of Vineyard Bottled Waters and the lessee of Lot 29 at the Airport Business Park.** Mr. Seeman read from a prepared statement, copies of which he distributed to the Commission members before he began. *[See the Meeting File of December 2, 1999 for a copy of Mr. Seeman's statement.]* His submission outlined the course of events beginning two and a half years before, when he had come before the Commission as the lessee of Lot 29. *[See DRI File #418M.]* At the time Mr. Wehner had wanted to occupy one of the three independent spaces Mr. Seeman had in his 6,000-square-foot building on Lot 29.

Mr. Wehner had presented himself and his business (Island All Foreign) to Mr. Seeman in the following ways (among others): that he would work on only top-of-the-line foreign vehicles, which would be stored inside at night; that no more than 10 cars would be on the lot on any given day; that all vehicles outside would have a "diaper" under them; and that he would adhere to high standards of cleanliness. The Commission had approved the Application. *[To see Martha's Vineyard Commission DRI Decision #418M, put in a request with the Commission Secretary.]*

Mr. Seeman then recounted how very soon afterward "one promise after another was ignored." Among the broken promises were: often 15 to 20 cars were stored outside at night; few of the cars were top-of-the-line German specialty cars and many were "rust buckets"; small collections of stains from oil or some other fluid collected around his unit's area; spills were not cleaned up; "diapers" were not used; abandoned cars were left outside for months on end; and oily rags and old parts overflowed from rusty 55-gallon drums stored outside the building.

Mr. Seeman said he had spoken repeatedly to Mr. Wehner about these violations, as had Joseph Dinielli, who was the Airport Business Park manager at the time. Moreover, a single site visit during Mr. Wehner's tenancy would have revealed these violations.

Mr. Seeman urged the Commission to study the Minutes of the Island All Foreign Hearing as well as the Conditions of that Decision and to take note of what Mr. Wehner had said and then what he had done. Mr. Seeman also recommended that members speak to the Edgartown Police Department or to Mr. Dinielli for collaboration of his observations.

Next to speak was Joan Jenkinson, the Animal Control Officer for the Town of West Tisbury, who often used the Vineyard Haven pound located on High Point Lane "three, four, six times a day." Sometimes, she said, she had to wait five or 10 minutes to exit from High Point Lane, and that was without the presence of a gas station nearby. She described that area as "bad" and "unsafe." In addition, as the owner of a gas station in West Tisbury, she did not feel that the Island needed another gas station. Already the Airport Mobil had done damage to some small businesses up-Island. "I think another gas station will hurt people who have been in business for 30 years," she said.

Testimony from Members of the Public in General.

Juleann VanBelle of West Tisbury pointed out that "at this point in time on the Vineyard, it's very unclear whether the creation of 10 to 15 new jobs is actually a benefit or a detriment." She also wanted to hear more from the Applicant at some point how many of those jobs would be filled by people already living on the Island and whether those positions would be earning wages that would be sufficient to enable the employees to rent housing on the Island. The fair market rent on the Island was between \$800 to \$1,000 a month, she noted, so the wages would have to be around \$36,000 annually.

Joan Jenkinson, who had spoken earlier, added that she was looking into putting in an inspection bay at Up-Island Auto/Mid-Island Repair.

More Questions from Commission Members.

Mr. Donaroma wondered if there would be a convenience store on the premises. No, replied Mr. Wehner. "That's not part of the Application," noted Mr. Tomassian. No retail sales or sales of quarts of oil, something like that? asked Mr. Donaroma. Mr. Wehner responded that if a car pulled up to the pump and was a quart low, then, yes, if the driver wished, he could buy a quart of oil. "But there's no reason to go in there to buy something?" asked Mr. Donaroma. "I would think oil and antifreeze," observed Mr. Tomassian. So, just products for keeping up fluid levels? asked Mr. Donaroma. Right, replied Mr. Wehner.

Mr. Colaneri asked about the upcoming site visit. Mr. Donaroma assured him that a site review would be done in January 2000.

Mr. Israel wished to submit for the record a traffic study that he had conducted himself. *[A copy of this study can be found in the Meeting File of December 2, 1999.]* "[The figures] are unscientific," remarked Mr. Israel. "You know, I didn't go to college for this, [but] with all due respect to the traffic expert, I took them at busy times, using a watch, at 10-minute intervals. ... It somewhat corroborates the ... levels you were talking about."

Mr. Zeltzer had questions about the parking plan, and he requested that the parking plan as well as the plan of the bays be mounted once more on the wall. "It looks to me like you've got handicapped parking in front of a bay," he said, "which would be awfully tough on the person who's parking." Mr. Zeltzer then asked for some clarification about the location of three of the bays and the entrance doors to those bays.

Mr. MacLean, the architect, pointed out these features of the plan. Mr. Zeltzer asked if Mr. MacLean had with him a scale because he (Mr. Zeltzer) could not get a sense of how two of the doors were going to fit in relation to a particular parking space. A discussion between Messrs. MacLean and Zeltzer about that aspect of the plan ensued. Mr. Colaneri wondered if a car could get in or out of the shop if another car were parked in the handicapped space.

The hour was late (10:35 p.m.), and rather than continue the discussion, Mr. Donaroma reminded the Commission members that the Public Hearing would be continued and that in the meantime a more satisfactory plan could be devised. Then he asked Mr. Tomassian if he would like to take a few minutes to address any of the issues raised by Commission members or public that evening. Mr. Tomassian replied that he would rebut when the Hearing was continued.

Mr. Donaroma reiterated that a site visit would be scheduled, that Public Record would remain open, and that the Hearing would resume sometime in January. Mr. Tomassian requested that he be notified of the date and time of the site visit. He added that for the simulation to which Mr. Scully had referred they had used 20 of their own cars and had a timed videotape of this, "if you want to sit here some night and bore yourself to tears." Mr. Donaroma then ended the first session of the Public Hearing and called for a short break. The time was 10:37 p.m.

Item #3: Approval of the Meeting Minutes of November 4, 1999.

Richard Toole, the Chairman of the Commission and the Selectmen's Appointee from Oak Bluffs, took over the running of the Meeting and reopened it at 10:44 p.m. *[Ms. Sibley returned to the meeting room at this point.]*

Mr. Toole announced that the Special Meeting of the Commission on December 9 would take place at the Chilmark Community Center, beginning at 7:30 p.m. Earlier that evening, at 6 p.m., the Executive Committee would meet at the same location.

Mr. Colaneri moved to Approve the Meeting Minutes of November 4, 1999, duly seconded. The voice vote on the Minutes was a unanimous Aye, with two abstentions.

AYES: J. Best; C. Brown; M. Cini; M. Colaneri; M. Donaroma;
J. Early; T. Israel; M. Ottens-Sargent; L. Sibley; R. Toole;
and A. Harney Gallagher.

NAYS: None.

ABSTAINING: J. Vercruysse; and R. Zeltzer.

Item #4: Reports.

Mr. Toole announced that he would offer no **Chairman's Report**, in view of the late hour.

Christina Brown, Co-Chair of the Land Use Planning Committee, provided the **LUPC Report**. At their last meeting, the committee at looked at the Application of Ben Franklin Realty Trust (DRI #513) for the development of a property in the Town of Tisbury. The committee had also considered the issue of the upcoming Concurrence Vote on the referral of the SBS Expansion (DRI #191M) from the Town of Tisbury. They had voted by a narrow margin to recommend to the full Commission that the expansion proposal be heard as a Development of Regional Impact, with attendant Public Hearing.

Finally, Ms. Brown continued, the LUPC had reviewed "sort of a leftover," a compliance issue with regard to adequate parking at a tennis court at Tashmoo Estates (DRI #443). The committee recommended that the Applicant add some *rosa rugosa* and a bicycle rack. It doesn't come back here? asked Mr. Best. No, it doesn't, replied Ms. Brown.

There was no **Aquinnah DCPC Exemption Committee Report** because that committee had not met since the last Full Commission Meeting. However, Mr. Colaneri, who is not a member of the committee, did wish to comment that he had received recently many calls from irate citizens of Aquinnah, who had urged that the whole DCPC regulation-writing process be moved forward. "It is not doing a service to the community by this lengthy process that they've chosen," he remarked.

Mr. Zeltzer, a member of the committee, responded to Mr. Colaneri's concerns: "The [Aquinnah DCPC] committee in its entirety has done that through people who interact on a frequent basis with the members of the [regulation-writing] committee. And from what I'm hearing back, there is a momentum starting. ... You can't force them to act until they exceed the period of time in which they have to act, and then we can get involved further." Further discussion of this issue among various Commission members ensued. Ms. Ottens-

Sargent mentioned that Camille Rose, Chair of the Aquinnah Planning Board, intended to submit something to the Commission around December 9, "or something like that."

Ms. Cini announced that the **Affordable Housing Subcommittee** would next meet on Tuesday, December 7, at 5:30 p.m. at the Commission Offices.

John Early, Chairman of the Planning and Economic Development Committee, delivered the **PED Report**. His committee had met at earlier that evening and had spent some time talking about the concept of a diversified economy, working with some materials drawn up by Staff member David Wessling.

In addition, Paddy Moore, who was working with Leah Smith, had come to discuss Ms. Smith's proposal, entitled "Planning for Sustainable Growth on Martha's Vineyard," for the Massachusetts Executive Office of Environmental Affairs Watershed Stewardship Program. Ms. Moore and Ms. Smith were seeking Commission backing for the proposal. *[See the Meeting File of December 2, 1999 for a copy of the draft proposal.]* Mr. Early noted that there had been "very diverse opinion" about the proposal on the parts of the PED committee members who had attended. He himself felt it was a good idea, so long as it did not require any cash out of pocket from the Commission.

There was a brief discussion that clarified some aspects of the proposal for members who had not attended the committee meeting. It was established that Ms. Moore would be returning on December 9, this time to meet with the full Commission, which would then vote that evening on whether or not to take on the proposal.

Mr. Zeltzer, who had attended the committee meeting, asked if he could comment on it right then, since he would not be able to attend the Full Commission Meeting on December 9. With Mr. Toole's agreement, he made a number of observations. For one, the proposal mentioned the use of two computers at the Commission. Yet according to Staff, the Commission would have to go out and buy those computers to have them available for Ms. Smith's team to use.

In addition, Mr. Zeltzer continued, the proposal had suggested that "from someplace in the sky there's going to come \$13,639. And based on a limited experience in dealing with various grants, if we are the supporter of this and it goes in under the Commission and that money doesn't appear, then we're on the hook for it, and I don't care what they say."

Moreover, said Mr. Zeltzer, a sustainability had already been done on the Cape, and "she had commented on that and she talked about sustainability and all that kind of stuff and that is a lot of baloney in my opinion. The Cape started out, their whole group came up with something around 30 items they were going to do a study on. They couldn't even come up with a study on a dozen. ... And the things that they studied are things that we can do in-house."

Mr. Zeltzer concluded that it was "a shame to take this kind of effort and this kind of energy and the kind of exposure that we place on the Commission to support a couple of, I'm sure, very nice people. But I've been through too many academic proposals, and I know how they work."

Ms. Brown asked Mr. Zeltzer to be specific about some of the drawbacks of the proposal. Mr. Zeltzer reiterated that his major worry was the financial responsibility. Mr. Toole cut the discussion short because it was 10:54 p.m. and Applicant Ralph Packer was waiting for the Concurrence Vote on his SBS expansion project, a Modification to DRI #191.

Item #8, New Business: Concurrence Vote on SBS Expansion (DRI #191M).

Mr. Toole noted that there were two pieces of business with regard to the aforementioned Mr. Packer. The first was a letter from him to the Tisbury Planning Board withdrawing his Application for a Special Permit in connection with the use of his Tisbury Wharf property by the *M/V Schamanchi*. *[See the Meeting File of December 2, 1999 or DRI File #474 for a copy of said letter.]* Mr. Toole asked the Commission members simply to take note of the letter, which was contained in the package of Meeting materials they had received earlier.

[Mr. Donaroma left the meeting room during the Concurrence Discussion and Vote regarding the SBS Building Expansion.]

The second matter was whether or not the Commission concurred with the Building Inspector of the Town of Tisbury that Mr. Packer's planned expansion of the SBS Building (previously a DRI) should return to the Commission as a formal Modification of a DRI, thus requiring a full Public Hearing and so forth.

Mr. Packer explained that his building was 100 feet long and 40 feet wide and that he wished to add two single-story, 30-by-30-foot additions on each end. Currently, one end of the building was occupied by the Black Dog Catalogue Store; at the other end was the Black Dog computer organization. Both of these would be consolidated at one expanded end, and the other end, also expanded, would then be available to rent to another tenant.

Ms. Brown then made a Motion: "Inasmuch as the original DRI for the SBS Building labeled it for the SBS Building uses and this is a total of ... 1,460 square feet of retail and/or office space, I move that it is a significant change and should ... go through a full DRI review." The Motion was seconded by Mr. Best.

A discussion followed. Ms. Sibley thought that because of the fact that it was "already a very large use," it had to be reviewed if the uses were going to be different. In addition, there had already been several accretions to the complex that, though not officially

buildings, functioned as buildings, including three metal storage units and a tractor trailer "that sort of lives back there permanently," remarked Ms. Sibley. "We have a project now that is substantially more intense ..."

Mr. Colaneri noted, "I just don't see where the significance is here. I think the building is a big building to begin with, in the business district." Mr. Colaneri thought that if the Applicant proposed a use that was on the DRI Checklist, then it should come before the Commission.

Mr. Best pointed to the "incredible amount of growth of this area" and the four projects in the same area that were already before the Commission recently. Therefore, it would be appropriate, he said, for the Commission to review this project as well.

Mr. Israel asked about the Dukes County Transportation vehicles that had been parking on the SBS property. Mr. Packer said that if they cleaned up the SBS pallets in the back, the vehicles could park there instead. He added that in this area a Special Permit was required for any outside display and that he had received that permit from the Tisbury Zoning Board of Appeals.

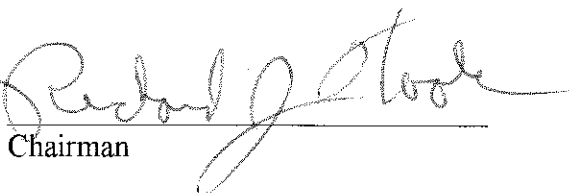
Further discussion ensued, and then Mr. Toole conducted a roll call vote on Ms. Brown's Motion, which went as follows:

AYES: J. Best; C. Brown; M. Cini; J. Early; M. Ottens-Sargent;
L. Sibley; R. Toole; R. Zeltzer; and A. Harney Gallagher.

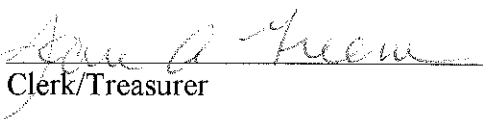
NAYS: M. Colaneri; T. Israel; and J. Vercruysse.

ABSTAINING: M. Donaroma.

Mr. Colaneri made a Motion to Adjourn, duly seconded. The Special Meeting was adjourned at 11:10 p.m.


Chairman

1-10-2000
Date


Clerk/Treasurer

1-10-2000
Date

PRESENT: J. Best; C. Brown; M. Cini; M. Colaneri; M. Donaroma;
J. Early; J. Greene [who left before the first Hearing];
T. Israel; M. Ottens-Sargent; L. Sibley; R. Toole;
J. Vercruysse; R. Zeltzer; and A. Harney Gallagher.

ABSENT: B. Hall, Jr.; L. Jason, Jr.; M. Lazerow; T. Henson, Jr.;
and M. Bolling.

[These Meeting Minutes were compiled and typed by Commission Secretary Pia Webster, using a tape recording of the Meeting as well as detailed notes taken during the Meeting.]

*Summary of Revisions to the
Meeting Minutes of December 2, 1999
Proposed by Commission Members
in the Meeting of December 16, 1999*

[An excerpt from the Meeting Minutes of the Regular Meeting of December 16, 1999 follows immediately. It describes the revisions requested by Commission members with regard to the Minutes of December 2, 1999.]

Page	Paragraph	Sentence	Revision
2	4	1	Revise sentence 1 so that it reads: "When Mr. Donaroma was halfway through reading the Notice, Tristan Israel, the Selectmen's Appointee from Tisbury, interjected that he wished to disclose that his son was a member of the Wampanoag Tribe."